



February 20, 2015

VIA E-MAIL AND U.S. MAIL

Mr. Enrique Manzanilla
Director, Superfund Division
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

**Re: Proposed Federal Superfund Program for the
North Orange County Groundwater Basin**

Dear Mr. Manzanilla,

Please accept this letter on behalf of Orange County Business Council (OCBC) to express our concerns about a recent request by Orange County Water District (OCWD) seeking USEPA Region 9 to assume lead agency status on potential groundwater contamination sites in proximity to the cities of Anaheim and Fullerton, otherwise known as the "North Basin".

OCBC is the leading voice on business in America's sixth largest county. We are organization comprised of more than 300 companies that employ over 250,000 employees in the region and more than 2 million men and women globally. The Council is very concerned that recent actions by OCWD could trigger a spiral of negative consequences for the regional economy.

As you know, during 2014 staff and consultants of OCWD held several meetings with you and others at USEPA Region 9, and with managers and staff of the California Department of Toxic Substances Control (DTSC), and of the Santa Ana Water Quality Control Board (SARWQCB) regarding groundwater contamination in the North Basin. At the same time OCWD had been meeting with our organization promising a "collaborative" approach to clean-up that would include the business community, water purveyors, and local cities. Unfortunately it seems that the "collaborative" strategy being touted by OCWD may have been a tactic to appease other stakeholders while your private agency meetings were taking place. **It was only after a Public Records Act (PRA) request that the stakeholders finally became aware last month of the agency meetings and their outcomes.**

One of the outcomes that is of particular concern is a letter from Stewart Black of DTSC dated November 25, 2014 requesting that USEPA undertake a preliminary assessment of hazardous substances in the North Basin, that USEPA consider the North Basin for the NPL, and that USEPA assume responsibility for response actions in the North Basin under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

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OCBC contends that all of these actions are overreaching and unnecessary. OCWD has the authority, granted them by the California Legislature, and the resources to proceed with contamination clean-up under NCP guidelines on their own, to the extent that the several site cleanups already underway in the North Basin by or under the oversight of DTSC and the Santa Ana Regional Water Quality Control Board may be inadequate. In fact, it is our understanding that OCWD is well into the NCP process absent any federal agency participation.

Further, based on the materials that we uncovered via the PRA request, it is the opinion of OCBC that USEPA, DTSC and the SARWQCB have not received all of the facts regarding the circumstances of the North Basin and its recent judicial history.

For this reason we respectfully request that USEPA Region 9 reject OCWD's request and DTSC's petition and refrain from undertaking a preliminary assessment of hazardous substances in the North Basin, consideration of the North Basin for the NPL, or assuming responsibility for response actions in the North Basin under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Instead, OCBC requests the opportunity for stakeholders to meet directly with your team to discuss the full spectrum of circumstances surrounding the North Basin. Please do not hesitate to contact me with questions or concerns at (949) 794-7210 or bstarr@ocbc.org. Thank you for your thoughtful consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Starr', with a stylized flourish at the end.

Bryan Starr
Senior Vice President Government Affairs

cc. Jared Blumenfeld, Administrator, USEPA Region 9
Congressman Linda Sanchez (CA-38)
Congressman Ed Royce (CA-39)
Congressman Mimi Walters (CA-45)
Congressman Loretta Sanchez (CA-46)
Congressman Alan Lowenthal (CA-47)
Congressman Dana Rohrabacher (CA-48)
Congressman Darrell Issa (CA-49)